

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREDERICK M. CARGIAN,

Plaintiff,

- against -

BREITLING USA, INC.,

Defendant.

**ECF Case**

**No. 15-cv-01084 (GBD)**

**DECLARATION OF ZEV  
SINGER IN SUPPORT OF  
DEFENDANT'S MOTION  
FOR SUMMARY  
JUDGMENT**

**ZEV SINGER** declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am in attorney with Fox Rothschild, LLP, attorneys for defendant Breitling USA, Inc. ("Defendant" or "Breitling") in the above-referenced action.

2. I submit this declaration in support of Breitling's Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure in order to place before the Court declarations and certain documents relied upon by Breitling in its Motion for Summary Judgment and accompanying Memorandum of Law.

3. Annexed hereto as Exhibit "A" is a copy of the Complaint, dated February 17, 2015, filed by plaintiff Fred Cargian ("Plaintiff" or Cargian") in this action.

4. Annexed hereto as Exhibit "B" is the Declaration of Thierry Prissert, sworn to on February 29, 2016.

5. Annexed hereto as Exhibit "C" is the Declaration of Charles Anderson, sworn to on February 29, 2016.

6. Annexed hereto as Exhibit "D" is excerpts from the transcript of the deposition of Plaintiff, taken on September 17, 2015.

7. Annexed hereto as Exhibit “E” is excerpts from the transcript of the deposition of Thierry Prissert, taken on January 6, 2016.

8. Annexed hereto as Exhibit “F” is excerpts from the transcript of the deposition of Sebastien Amstutz, taken on December 9, 2015.

9. Annexed hereto as Exhibit “G” is excerpts from the transcript of the deposition of Annie Sommer, taken on January 21, 2016.

10. Annexed hereto as Exhibit “H” is excerpts from the transcript of the deposition of Charles Anderson, taken on November 24, 2015.

11. Annexed hereto as Exhibit “I” are copies of Plaintiff’s employment agreements from 2011-2013, Bates Stamped 0000063-0000066, BREITLING\_575-579, and BREITLING\_581-585, which were produced by the parties during discovery.

12. Annexed hereto as Exhibit “J” are a sampling of periodic sales data emails sent to Breitling sales representatives and Plaintiff, Bates Stamped BREITLING\_1679, BREITLING\_593, BREITLING\_1663, BREITLING\_9118, BREITLING\_597-598, and BREITLING\_610-611, which were produced by Defendant during discovery.

13. Annexed hereto as Exhibit “K” are slides from a PowerPoint presentations that were created by Charles Anderson and presented to the sales representatives at sales meetings, Bates Stamped BREITLING\_9022, BREITLING\_9031, BREITLING\_934, BREITLING\_940, BREITLING\_944, BREITLING\_950-952, BREITLING\_9061, BREITLING\_9062-9063, BREITLING\_9065, and BREITLING\_9073, which were produced by Defendant during discovery.

14. Annexed hereto as Exhibit “L” is an email exchange dated October 19, 2010 between Marie Bodman and Plaintiff, Bates Stamped BREITLING\_1469-1470, which was produced by Defendant during discovery.

15. Annexed hereto as Exhibit “M” is an email exchange dated June 14, 2011 between Thierry Prissert and Plaintiff, Bates Stamped BREITLING\_1405-1407, which was produced by Defendant during discovery.

16. Annexed hereto as Exhibit “N” is an email dated February 15, 2012, from Chuck Anderson to Plaintiff, Bates Stamped BREITLING\_9116-9117, which was produced by Defendant during discovery.

17. Annexed hereto as Exhibit “O” is an email dated July 16, 2012, from Chuck Anderson to Plaintiff, Bates Stamped BREITLING\_593, which was produced by Defendant during discovery.

18. Annexed hereto as Exhibit “P” is an email dated July 23, 2012, from Thierry Prissert to Plaintiff, Bates Stamped BREITLING\_8770, which was produced by Defendant during discovery.

19. Annexed hereto as Exhibit “Q” is an email dated August 18, 2012, from Chuck Anderson to Plaintiff, Bates Stamped BREITLING\_1663, which was produced by Defendant during discovery.

20. Annexed hereto as Exhibit “R” is an email dated September 26, 2012, from Thierry Prissert to Plaintiff, Bates Stamped BREITLING\_9118, which was produced by Defendant during discovery.

21. Annexed hereto as Exhibit “S” is an email dated October 5, 2012, from Chuck Anderson to Plaintiff, Bates Stamped BREITLING\_597-598, which was produced by Defendant during discovery.

22. Annexed hereto as Exhibit “T” is an email dated March 5, 2013, from Chuck Anderson to Plaintiff, Bates Stamped BREITLING\_9121-9122, which was produced by Defendant during discovery.

23. Annexed hereto as Exhibit “U” is an email exchange dated May 20, 2013 and May 24, 2013, between Chuck Anderson and Plaintiff, Bates Stamped BREITLING\_606-608, which was produced by Defendant during discovery.

24. Annexed hereto as Exhibit “V” is an email dated June 4, 2013, from Thierry Prissert to Plaintiff, Bates Stamped BREITLING\_610-611, which was produced by Defendant during discovery.

25. Annexed hereto as Exhibit “W” is an email dated September 11, 2013, from Thierry Prissert to Plaintiff, Bates Stamped BREITLING\_8772-8773, which was produced by Defendant during discovery.

26. Annexed hereto as Exhibit “X” is Plaintiff’s 2011 Mid-year review, Bates Stamped BREITLING\_587, which was produced by Defendant during discovery.

27. Annexed hereto as Exhibit “Y” is Plaintiff’s 2011 Year-end review, Bates Stamped BREITLING\_589, which was produced by Defendant during discovery.

28. Annexed hereto as Exhibit “Z” is Plaintiff’s 2012 Year-end review, Bates Stamped BREITLING\_591, which was produced by Defendant during discovery.

29. Annexed hereto as Exhibit “AA” is Plaintiff’s 2012 Self-evaluation form, Bates Stamped BREITLING\_604, which was produced by Defendant during discovery.

30. Annexed hereto as Exhibit “BB” is an email dated September 18, 2012, from Thierry Prissert to Plaintiff, with the subject “Written Warning”, Bates Stamped 0000215, which was produced by Plaintiff during discovery.

31. Annexed hereto as Exhibit “CC” is an email dated April 9, 2012, from Thierry Prissert to Plaintiff, with the subject “Gift to your Colleagues in the office,” Bates Stamped BREITLING\_600, which was produced by Defendant during discovery.

32. Annexed hereto as Exhibit “DD” is the 2011 Northeast 1 territory’s sales results chart (for the territory Plaintiff covered in 2011), Bates Stamped BREITLING\_8804, which was produced by Defendant during discovery.

33. Annexed hereto as Exhibit “EE” is an email (with attachment) dated December 20, 2011, from Plaintiff to Thierry Prissert and Chuck Anderson, with the subject “Projection 2012,” Bates Stamped BREITLING\_9082-9084, which was produced by Defendant during discovery.

34. Annexed hereto as Exhibit “FF” is an email dated July 23, 2012, from Thierry Prissert to Plaintiff, in which Mr. Prissert lowers Plaintiff’s 2012 sales goal, Bates Stamped BREITLING\_9091, which was produced by Defendant during discovery.

35. Annexed hereto as Exhibit “GG” is the 2012 month-by-month sales results chart for Breitling sales representatives, Bates Stamped 0000293, which was produced by Plaintiff during discovery.

36. Annexed hereto as Exhibit “HH” is the 2012 Northeast 1 territory’s sales results chart (for the territory Plaintiff covered in 2012), Bates Stamped BREITLING\_8808, which was produced by Defendant during discovery.

37. Annexed hereto as Exhibit "II" is an email dated September 11, 2013, from Thierry Prissert to Plaintiff, in which Mr. Prissert lowers Plaintiff's 2013 sales goal, Bates Stamped BREITLING\_8772-8773, which was produced by Defendant during discovery.

38. Annexed hereto as Exhibit "JJ" is the 2013 month-by-month sales results chart for Breitling sales representatives, Bates Stamped BREITLING\_633, which was produced by Defendant during discovery.

39. Annexed hereto as Exhibit "KK" is an email dated March 15, 2011, from Plaintiff to Monika Pieren, with the subject "A Special Request?," Bates Stamped 0000406, which was produced by Defendant during discovery.

Dated: February 29, 2016  
New York, New York

By:   
ZEV SINGER, ESQ.